IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 230 of 1984

in

SPECIAL CIVIL APPLICATIONNo 1145 of 1979

For Approval and Signature:

HON'BLE MR.JUSTICE R.K.ABICHANDANI
and
HON'BLE MR.JUSTICE K.M.MEHTA

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

STATE OF MAHARASHTRA

Versus

Y J DIXIT

Appearance:

1. LETTERS PATENT APPEAL No. 230 of 1984

MR PV HATHI & MR MS RAO, AGP for the Appellant

MR LR PUJARI, AGP for State of Gujarat

RULE SERVED for Respondent No. 1-4,6

RULE UNSERVED for Respondent No. 5

CORAM : HON'BLE MR.JUSTICE R.K.ABICHANDANI
and
HON'BLE MR.JUSTICE K.M.MEHTA

Date of decision: 06/10/2003

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE R.K.ABICHANDANI)

1. It is brought to our notice that, during the pendency of this Letters Patent Appeal, a resolution came to be passed by the Government of Gujarat on 19th July 1986 complying with the directions issued in the judgement under appeal. Under this resolution, the seniority list has been revised as a consequence of the implementation of the decision of the Court. It is mentioned in the resolution that the Supreme Court had decided the seniority dispute in respect of the seniority list showing the position of final seniority mentioned at Srl.No.2 in paragraph 2 of the resolution on 6th April 1986. The revenue department had revised the seniority lists mentioned at Srl.No.3 and 4 in paragraph 2 of the resolution by government resolution dated 8th July 1986 and the resolution dated 9th July 1986, as a consequence of changes made in seniority position in the cadre of Mamlatdars, who, on promotion, were figuring in the said seniority lists of Deputy Collectors.

2. Against the fixation of final seniority as per the said resolution, no party has expressed any grievance. The learned counsel for the appellant states that all the concerned parties have by now retired from service. It appears that the respondent No.2 - Zala, who is not served, also retired from service on 30th April 1985, as stated by the learned counsel for the appellant. No valid ground is made out by the appellant for any successful challenge against the directions given in the impugned decision.

3. In any event, at this distant point of time, after the pendency of this appeal for a period of nearly 19 years, it is quite clear that, in view of the resolution made by the Government of Gujarat finally fixing the seniority pursuant to the orders of Hon'ble the Supreme Court, the present appeal has become infructuous. We do not find any valid ground for interfering with the impugned decision. The appeal is, therefore, accordingly dismissed with no order as to costs.

[R.K.ABICHANDANI, J.]

[K.M.MEHTA, J.]

parmar*